

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

MALIK SAUNDERS,
Petitioner/Movant,

Vs.

THE UNITED STATES OF AMERICA,
Respondant(s).

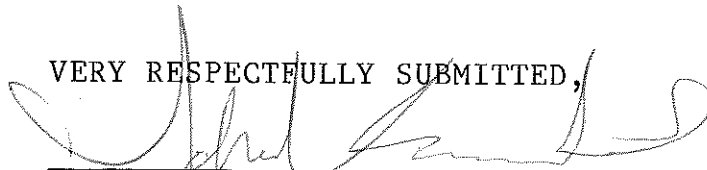
) CASE:15-CR-153(VSB)
)
) PETITIONER'S MOTION FOR EMERGENCY
) APPLICATION FOR PLACEHOLDER PURSUANT
) TO UNITED STATES v. DAVIS,(S.Ct.2019)
)
)

(1).Comes now Malik Saunders, Pro-Se,and hereby files the above placeholder motion to preserve my rights within this Honorable Court, for determination of whether United States v. Davis,139 S.Ct.(2019) is a new substanive rule, one made retroactive to cases on collateral review, upon challenges against an unconstitutional application of Title 18 U.S.C. §924(c) applied in my case at bar.

(2).As other statutes are being affected by JOhnson, Dimaya, and now Davis, I wish to preserve such an argument, as I intend to file a motion pursuant to Title 28 U.S.C. §2255. And further I ask this Honorable Court to hold this placeholder and preserve my argument as Davis, applies to me, in order to use the retroactive effect of Davis in my case.

(3).Wherefore, I pray that this Honorable Court will hold and preserve this placeholder motion in light of United States v. Davis,139 S.Ct. 2319(2019), as it is my intention to file a motion §2255.

VERY RESPECTFULLY SUBMITTED,

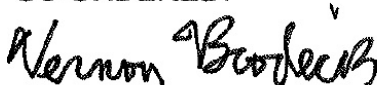


12-2-19

MR.Malik Saunders, #62007-054
FCI-Memphis
P.O.BOX 34550
Memphis, TN. 38184-0550

Defendant has failed to file a motion pursuant to Title 28, United States Code, Section 2255. Therefore, this "placeholder" request is denied a moot. The Clerk's Office is directed to mail a copy of this endorsed letter to the defendant.

SO ORDERED:



HON. VERNON S. BRODERICK 9/25/2020
UNITED STATES DISTRICT JUDGE

<62007-054>

Mr. Malik Saunders
FCI-Memphis
P.O. BOX 34550
Memphis, TN 38184-0550

USMP3
SDNY

MEMPHIS, TN

DEC 09 2019 PM 4 1



FOREVER USA

RECEIVED
2019 DEC 10 AM 9:05
CLERK'S OFFICE
S.D.N.Y.

<62007-054>

Clerk of Court
Daniel Patrick Moynihan
U.S. Courthouse Room #120
500 Pearl Street
New York, NY 10007-1312

CLERK'S
OFFICE
S.D.N.Y.

62007-1312

10007-1312